



June 2, 2023

Hon. Katherine Polk Failla
United States District Judge
United States District Court,
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: Unopposed Modification to Briefing Schedule
United States of America v. Michael T. Brown, Case No. 1:20-00524

Dear Judge Failla:

On April 27, 2023, the Court set a briefing schedule for Defendant filing a Motion for Discovery. This motion will be filed later today. The discovery motion focuses on information relevant to a motion to dismiss based on deprivation of due process rights. See e.g. *United States v. Scrushy*, 366 F. Supp. 2d 1134, 1139-40 (N.D. Ala. 2005).

As discussed, we wanted to sequence the discovery motion and follow up with a motion to dismiss based on double jeopardy. Hearing Transcript at 22. After further analysis, and discussions with Mr. Ravi, we believe that the double jeopardy motion can be filed sooner rather than later, after a ruling on the discovery disputes.

We propose filing the Double Jeopardy motion no later than Thursday, June 8, 2023 and set a response date for the Government in thirty days with a defense reply within fourteen days of the Government response. We are open to resetting the date for oral argument, currently August 8, 2023 if the Court so desires. We are open most of August, 2023.

Thank you in advance for your consideration on this matter.

Respectfully,

/s/ Stephen R. Cochell

Stephen R. Cochell

Application GRANTED. Defendant may submit his double jeopardy motion by **June 8, 2023**. The Government shall file its response by **July 10, 2023**. Defendant shall file any reply by **July 24, 2023**.

The Court does not believe it is necessary to reset the oral argument hearing, presently scheduled to take place on August 8, 2023. Rather, the Court will hear argument on both the motion for discovery and the double jeopardy motion at the August 8, 2023 hearing. This Order shall not affect the deadlines for Defendant's motion for discovery (*i.e.* the Government shall file its response by June 30, 2023, and Defendant shall file his reply by July 14, 2023).

The Clerk of Court is directed to terminate the pending motion at docket entry 69.

Dated: June 5, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE